



## ST. CHRISTOPHER AND NEVIS

### CHAPTER 9.14

## LUNACY AND MENTAL TREATMENT ACT

### Revised Edition

showing the law as at 31 December 2002

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### LUNACY AND MENTAL TREATMENT ACT

**Act 7 of 1956** ... in force 1st July 1956

Amended by: Act 15 of 1965

Act 7 of 1976

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## **CHAPTER 9.14**

### **LUNACY AND MENTAL TREATMENT ACT**

AN ACT TO MAKE PROVISION FOR THE RECEPTION, DETENTION, TREATMENT AND DISCHARGE OF PERSONS OF UNSOUND MIND FROM AN INSTITUTION; TO MAKE PROVISION FOR THE RECEPTION, CARE AND DISCHARGE OF PERSONS OF UNSOUND MIND FROM A LICENSED HOUSE; AND TO MAKE PROVISION FOR RELATED OR INCIDENTAL MATTERS.

#### **Short title.**

1. This Act may be cited as the Lunacy and Mental Treatment Act.

#### **Interpretation.**

2. In this Act—

“Arrangement” means an Arrangement made under section 3;

“crime” means any offence punishable by more than two years imprisonment;  
*(Substituted by Act 7 of 1976)*

“criminal lunatic” means a person detained in custody by reason of his or her having been charged with an offence, and either found to have been insane at the time of such offence, or found or certified or otherwise lawfully proved to be unfit on the ground of his or her insanity to be tried for the same, and includes a person convicted of an offence and afterwards certified or otherwise lawfully proved to be insane;

“insane person” or “person of unsound mind” or “patient” includes an idiot and any other person of unsound mind;

“institution” means a hospital or other suitable place appointed as such by the Minister for the purposes of this Act;  
*(Amended by Act 6 of 1976)*

“licensed house” means a house licensed for the reception of a person of unsound mind under this Act;

“licensee” means the person to whom a licence in respect of a licensed house is granted;

“Minister” means the Minister responsible for Health;  
*(Inserted by Act 7 of 1976)*

“mental hospital” means a mental hospital to which a temporary patient, or a voluntary patient, or a person who has been duly adjudged to be of unsound mind and a proper subject for confinement may be removed pursuant to an Arrangement;

“pauper patient” means any insane person who is found wandering at large, or who is not under proper care or not under proper control, or who is likely to commit a crime;

“removal order” means an order made by the Minister under section 4;  
*(Amended by Act 6 of 1976)*

“temporary patient” means a person described in section 39;

“Visiting Committee” means the Visiting Committee for licensed houses referred to in section 16;

“voluntary patient” means a person described in section 38.

### **Power to make Arrangement with Government of Antigua.**

3. (1) The Minister may on behalf of the State enter into an Arrangement with the Government of Antigua upon such terms and subject to such conditions as they may consider appropriate for the reception and detention in, and discharge from, a mental hospital in Antigua of any person of unsound mind or voluntary patient or temporary patient in the State.

*(Amended by Act 7 of 1976)*

(2) Any Arrangement made under this section may be varied or revoked by a subsequent Arrangement.

### **Power of Minister order removal to mental hospital.**

4. Where, under the provisions of section 3, an Arrangement has been made, the Minister may, by order under his or her hand (hereinafter referred to as “a removal order”), direct the removal from the State of any person duly adjudged to be a person of unsound mind and a proper subject of confinement to a mental hospital and such order shall be sufficient authority for the removal of such person of unsound mind from the State.

### *Adjudication of Persons of Unsound Mind*

### **Inquiry as to lunacy.**

5. (1) Any Magistrate, upon the information given on oath of any informant to the effect that the informant has good cause to suspect and believe and does suspect and believe some person to be of unsound mind and a proper subject for confinement, may, in any place which he or she deems convenient, examine such person, and, in the same place or elsewhere, may hold an inquiry as to the state of mind of such person.

(2) For the purposes of such inquiry the Magistrate shall have the same powers as if the person alleged to be of unsound mind were a person against whom a complaint for an offence punishable on summary conviction has been laid:

Provided that no person alleged to be of unsound mind shall be required to attend at any Magistrate’s Court for examination by a Magistrate nor shall he or she be taken to any such court for such purpose.

(3) A Magistrate may, if he or she thinks fit, proceed with an inquiry under this section in the absence of the person alleged to be of unsound mind and without proof of the service of any summons upon such person.

(4) If, at any stage of an inquiry under this section, it shall be shown to the satisfaction of the Magistrate conducting such inquiry that the person alleged to be of unsound mind is a person whom it is expedient to put immediately under confinement pending the conclusion of the inquiry, it shall be lawful for such Magistrate either *proprio motu* or at the request of the informant—

- (a) to make a written order for the detention of such person during a period which shall not exceed fourteen days in an institution;
- (b) from time to time, on good cause shown, to make further orders for such detention, in the like form, for periods none of which shall exceed eight days:

Provided that no such person shall be detained under observation for more than two months at a time;

- (c) at any time, by order under his or her hand, to direct that the person detained be released.

(5) It shall be lawful for any person to whom the execution of an order made under the last preceding subsection is entrusted, to convey the person alleged to be of unsound mind therein mentioned to the specified place of detention and there to detain him or her during the period specified, unless previous to the expiry of such period the release of the person alleged to be of unsound mind be ordered in due course of law.

(6) The Magistrate shall also appoint a government medical officer to examine the suspected person and shall furnish such government medical officer with all the information bearing on the mental state of such suspected person which he or she has been able to procure, and such government medical officer shall, if he or she considers the facts warrant him or her in so doing, sign a certificate certifying that in his or her opinion the suspected person is of unsound mind.

(7) The certificate shall specify in full detail the facts upon which the person signing it founds his or her opinion, and shall distinguish facts which he or she has himself or herself observed from facts communicated by others.

(8) The person signing the certificate shall inquire of any persons able to give information as to the previous history of the suspected person, and shall state in his or her certificate all matters known to him or her which he or she deems likely to be of service with reference to medical treatment.

(9) No certificate shall have any effect under this Act which purports to be founded wholly on facts communicated by others.

(10) The informant referred to in subsection (1) shall, if required by the government medical officer appointed to examine the suspected person, by written notice served personally on him or her, attend at the time and place specified in such notice and give such information touching the mental condition of the suspected person as shall be in his or her power to give.

(11) A person referred to in subsection (10) who neglects or refuses to attend as and when so required, or refuses to answer any question concerning the mental condition, of the suspected person which may be put to him or her by the government medical officer inquiring into such mental condition shall, on summary conviction, be liable, to a fine not exceeding one thousand five hundred dollars or to imprisonment for a term not exceeding six months.

*(Amended by Acts 7 of 1976 and 9 of 1986)*

### **Urgency orders.**

6. (1) Notwithstanding the provisions of section 5, whenever a Magistrate considers it expedient, either for the public safety or for the welfare of any person with respect to whom an information on oath under the said section has been laid, that such person should be forthwith placed under observation, he or she may, without the production of a medical certificate, by written order, direct that such person be received into an institution named in the order and be detained there under observation during such period, not exceeding fourteen (14) days, as to the Magistrate may seem expedient:

Provided that, on good cause shown, such order may be extended for further periods none of which shall exceed eight days:

Provided further that no such person shall be detained under observation for more than two months at a time.

(2) The Magistrate shall furnish the medical officer in charge of the institution with all the information bearing on the mental state of the person so detained which he or she has been able to procure.

(3) The person who has laid the information on oath referred to in subsection (1) shall, if required by the medical officer in charge of the institution by written notice served personally on him or her, attend at the time and place specified in such notice and give such information touching the mental condition of the person so detained as shall be in his or her power to give.

(4) A person referred to in subsection (3) who neglects or refuses to attend as and when so required, or refuses to answer any question concerning the mental condition of the person detained which may be put to him or her by the medical officer in charge of the institution shall, on summary conviction, be liable to a fine not exceeding one thousand five hundred dollars or to imprisonment for a term not exceeding six months.

*(Amended by Acts 7 of 1976 and 9 of 1986)*

(5) If the medical officer in charge of the institution certifies that any person detained under observation is of sound mind, the detained person shall be discharged from the institution with all convenient speed and the officer shall notify the Magistrate accordingly within seven days of the discharge.

(6) If the medical officer in charge of the institution certifies that the detained person is of unsound mind and a proper subject for confinement, the Magistrate shall proceed to hold an inquiry into the state of mind of that person in accordance with the provisions of section 5:

Provided that no such person shall be adjudged to be of unsound mind unless the Magistrate has seen and, where circumstances permit, examined such person:

Provided further that the certificate of the medical officer shall be sufficient evidence of the facts therein stated concerning the state of mind of such person, and it shall not be necessary to prove the handwriting of the officer, but the Magistrate may examine any member of the staff of the institution who shall have had such person under observation.

#### **Admission of accused persons for observation.**

7. (1) Whenever a Judge or a Magistrate has reason to believe that a person committed for trial before him or her, or charged before him or her with an offence is of unsound mind, he or she may, for the purpose of obtaining evidence as to whether such person is or is not of unsound mind, by written order, direct that such person be received into an institution named in the order, and be detained there under observation during such period, not exceeding fourteen days, as to the Judge or Magistrate may seem expedient:

Provided that, on good cause shown, such order may be extended for a further period or periods each not exceeding eight days at a time:

Provided further that no order made under this subsection shall be made in respect of persons who are not being kept in custody pending trial.

(2) When an order has been made under this section a certificate under the hand of the medical officer in charge of the institution shall be sufficient evidence of the facts therein stated concerning the state of mind of the person kept under observation, and it shall not be necessary to prove the handwriting of such officer, but

the Judge or Magistrate may examine any members of the staff of such institution who shall have had the patient under observation.

(3) Every person ordered under this section to be received into an institution for observation shall be received into the institution named in the order, and be detained there under observation for the period stated in the order or for such shorter period as the Judge or Magistrate who made the order may direct, and it shall be lawful for any person to whom the execution of the order is entrusted to convey the person named in the order to such institution.

#### **False medical certificate.**

**8.** Any government medical officer or registered medical practitioner who knowingly and wilfully in any certificate given under this Act falsely states or falsely certifies anything, commits a misdemeanour, and, on conviction on indictment, shall be liable to a fine not exceeding one thousand five hundred dollars, and may also, if the court so think fit, be imprisoned for a term not exceeding one year.

*(Amended by Acts 7 of 1976 and 9 of 1986)*

#### **Adjudication of person of unsound mind.**

**9.** Where, upon such inquiry as is provided for by this Act, it appears to the Magistrate that any person is of unsound mind and a proper subject of confinement, and such medical certificate as by this Act is required of his or her unsoundness of mind has been given, the Magistrate may adjudge such person to be of unsound mind and a proper subject of confinement, and may either proceed to make an order according to this Act for the detention of such person in an institution pending the making of a removal order in respect of such person, or if he or she is of opinion that the question of the said detention of such person may be more conveniently decided by the Magistrate of some other district, may direct that the further proceedings be had before the Magistrate of such other district.

#### **Custody of person of unsound mind.**

**10.** Where, under the Act, any person has been duly adjudged to be of unsound mind and a proper subject of confinement, a Magistrate may—

- (a) make an order as provided in section 9; or
- (b) grant to any person residing in the State a licence authorising such person to receive the person of unsound mind into some house specified in the licence, and situate within the State, and there to take charge of him or her; or
- (c) if it appears that the person of unsound mind is a pauper patient, make an order for the detention of such person in an institution pending the making of a removal order in respect of such person.

#### **Appeal.**

**11.** In case of any order made under this Act adjudging any alleged insane person to be of unsound mind and a proper subject of confinement, and in case of a refusal so to adjudge, an appeal shall lie to the Court of Appeal, subject to the same conditions and with the same consequences as if the alleged insane person had been convicted of an offence punishable on summary conviction in a case in which an appeal would lie.

*Institutions***Appointment of institutions.**

12. The Minister may, by Notice, appoint the whole or any part of any building, house, or other place, with any out-houses, yards, gardens, grounds, or premises thereto belonging, to be an institution for the purposes of this Act.

*(Amended by Act 6 of 1976)*

**Escape from institution.**

13. The Superintendent of any institution or any officer or servant thereof, or any police officer or other peace officer, may retake any patient who is escaping from such institution, and may, within fourteen days after any escape, retake any patient who has escaped from such institution, and may return to the institution any patient so retaken, where he or she shall revert to his or her former custody.

**Transfer of persons from hospital to institution in State for observation.**

14. (1) Where a medical officer in charge of a hospital in the State or any other medical officer duly authorised by the medical officer in charge to act on his or her behalf has reason to suspect that any person in such hospital is of unsound mind, he or she may by order in writing, direct the transfer of such person to and his or her detention in an institution for the purpose of observation during such period not exceeding fourteen days as to him or her, may seem expedient:

Provided that, on good cause shown, such order may be extended for further periods none of which shall exceed eight days:

Provided further that no such patient shall be detained under observation for more than two months at a time.

(2) The medical officer in charge of the hospital or other medical officer duly acting on behalf of the medical officer in charge, as the case may be, shall immediately on ordering the transfer and detention of a patient under the provisions of subsection (1) notify the Magistrate of such transfer and detention and furnish him or her with the grounds on which he or she has made the order, and the Magistrate shall either confirm or annul such order and within three days of such notification communicate his or her decision to the medical officer in charge of the hospital or other medical officer, as the case may be, as well as to the medical officer in charge of the institution to which the patient has been transferred:

Provided that if the Magistrate annuls the order the patient shall forthwith be discharged from the institution.

(3) Where the medical officer in charge of an institution certifies in writing that in his or her opinion any person detained under the authority of Subsection (2) is of unsound mind, an inquiry into the state of mind of such person shall be held in accordance with the provisions of section 5.

(4) For the purposes of such inquiry, the certificate of the medical officer in charge of the institution shall be sufficient evidence of the facts stated in the certificate concerning the state of mind of the patient, and it shall not be necessary to prove the handwriting of such officer, but the Magistrate may examine any members of the staff of such institution who shall have had the patient under observation.

(5) Every person ordered under this section to be received into an institution for observation shall be received into the institution named in the order, and be detained there under observation for the period stated in the order or for such shorter

period as the medical officer in charge of the hospital or other medical officer duly authorised by him or her to act on his or her behalf, or the Magistrate, as the case may be, who made the order shall direct, and it shall be lawful for any person to whom the execution of the order is entrusted to convey the person named to the institution named in the order.

### *Licensed Hours*

#### **Duty of licensee.**

15. Where a licence in respect of any patient is granted under this Act, the licensee shall be bound to take proper care of such patient until he or she dies or the licensee is discharged under this Act.

#### **Visiting Committee.**

16. Regulations made under section 43 shall provide for the constitution by the Minister of a Visiting Committee for licensed houses consisting of such number of persons appointed at such times, in such manner, for such periods and with such functions as may be prescribed.

#### **Records.**

17. The licensee of every licensed house shall keep such books, make such entries, furnish such returns, and give such notices as may from time to time be required by regulations made under this Act.

#### **Escape from licensed house.**

18. The licensee of any licensed house, or any servant of or person authorised by such licensee, or any police officer or other peace officer, may retake any patient who is escaping from such licensed house, and may within fourteen days after any escape, retake any patient who has escaped from such licensed house and may return to such licensed house any patient so retaken, where he or she shall revert to his or her former custody.

#### **Absence on trial.**

19. (1) Subject to the provisions of this Act, the Minister may allow any patient confined in a licensed house to be absent from such licensed house upon trial for such period as he or she thinks fit, and may at any time grant an extension of such period.

(2) No patient shall be allowed to be absent on trial under this section unless some person enters into an agreement approved by the Minister to take charge of such patient.

(3) If any patient allowed to be absent on trial from a licensed house under this section does not return at or before the expiration of the allowed period of absence, then, unless a certificate signed by a government medical officer certifying that such patient may safely be permitted to be at large is sent to the Magistrate and also, where practicable, to the licensee of such licensed house, such patient may at any time within fourteen days from the expiration of such allowed period, be retaken as if he or she had escaped from such licensed house, or, in case the licensee from whose custody the patient was allowed to be absent is unable or unwilling to resume the care and custody of such patient, may be dealt with as a person duly adjudged under this Act to be of unsound mind and a proper subject of confinement.

**Death of patient.**

**20.** Notice of the death of any patient confined in a licensed house shall be given forthwith by the licensee to the Coroner, and shall also be given by the licensee, as soon as may be, to the nearest known relative of the patient.

**Discharge of licensee. Form 7.**

**21.** (1) When any patient is confined in a licensed house, the licensee, if desirous of being discharged of the care of such patient, shall serve notice of his or her desire upon the Magistrate of the district.

(2) At the expiration of fourteen days from the service of such notice, the licensee shall be discharged, and such patient may be dealt with as a person duly adjudged under this Act to be of unsound mind and a proper subject of confinement.

**Removal of patient at request of friends.**

**22.** Where it appears to a Magistrate that the persons at whose expense a patient is maintained in a licensed house are desirous that the patient should be removed from such licensed house, and that provision has been made for his or her care and custody in a mental hospital or in another licensed house, the Magistrate may—

- (a) where provision has been made for the care and custody of the patient in a mental hospital, order such patient to be removed from the licensed house wherein he or she is then confined to an institution pending the making of a removal order in respect of such person; or
- (b) where the patient is to be removed from one licensed house to another licensed house, order the patient to be removed to such other licensed house,

and shall in either case discharge the licensee of the first-mentioned licensed house accordingly.

**Removal of patient ill-treated or neglected.**

**23.** (1) Where, upon the information given on oath by any person, it appears to a Magistrate that a patient confined in a licensed house is ill-treated or neglected, the Magistrate may order the patient to be removed either to an institution pending the making of a removal order in respect of such patient or to another licensed house, and thereupon the licensee of the first-mentioned licensed house shall be discharged.

(2) Where an order has been made under subsection (1) for the removal of a patient from a licensed house to an institution or to another licensed house the Magistrate shall issue a warrant authorising such removal.

**Release of patient.**

**24.** (1) Where, upon the information given on oath by any person, it appears to a Magistrate that a patient confined in a licensed house is no longer a proper subject of confinement, the Magistrate may discharge the licensee and order him or her to release the patient, or may himself or herself release the patient.

(2) Any licensee who disobeys an order made under this section shall be liable, on summary conviction, to a fine not exceeding five hundred dollars, and such conviction shall not be a bar to any action in respect of the same wrong.

**Appeal by licensee.**

25. Where, under this Act, the Magistrate orders the removal of a patient from a licensed house on the ground of ill-treatment or neglect, or orders a patient confined in a licensed house to be released, the licensee may appeal against such order, subject to the same conditions and with the same consequences as if he or she had been a party against whom a conviction was made within the meaning of subsection (2) of section 163 of the Magistrate's Code of Procedure Act, Cap. 3:17.

**Appeal where order refused.**

26. Where, upon information being laid under this Act that a patient confined in a licensed house is ill-treated or neglected, or that a person confined in a licensed house as a patient ought to be released, a Magistrate refuses to make any order, an appeal shall lie to the Court of Appeal, subject to the same conditions and with the same consequences as if the licensee had been charged with an offence, punishable on summary conviction and the Magistrate had refused to convict.

**Execution of order of removal.**

27. (1) Where an order for the removal of a patient from a licensed house has been made, the Court of Appeal or Magistrate making the order may issue a warrant for the execution of the order directed to any person or persons whom such Court or Magistrate thinks fit.

(2) Any person shall, if required by any one to whom the warrant is directed, aid and assist in the execution of the warrant.

*Interim Orders***Interim order in case of appeal.**

28. Where notice of appeal under this Act has been given—

- (a) a Magistrate may, if he or she thinks fit, suspend the execution of any order made by him or her until the decision of the appeal, or for any shorter period, and upon such terms and conditions, if any, as he or she thinks fit; and
- (b) any Judge, upon the application of the appellant, and, if he or she thinks fit, without any notice of the application being served upon the respondent, may, at any time, and notwithstanding any previous order of a Judge or Magistrate, make such order, subject to such terms and conditions, if any, as he or she thinks fit, as to the care or custody or allowing to be at large, until the decision of the appeal or for any shorter period, of the person alleged or adjudged to be or confined as a person of unsound mind:

Provided that upon an appeal being or being deemed to be abandoned, any order made under this section shall determine, and the order appealed against shall take effect.

*\*Criminal Lunatics***Insanity at expiration of sentence.**

**29.** When the term of imprisonment to which a person confined in a criminal lunatic hospital or other place of detention is liable expires while such person is in custody in such hospital or other place of detention, then, unless the medical officer in charge of the hospital or other place of detention, as the case may be, by writing under his or her hand, certifies that such person may safely be allowed to be at large, such person shall, at the expiration of his or her term of imprisonment, be deemed to be a pauper patient, and may be detained in a mental hospital as a pauper patient.

*Maintenance of Insane Persons***Application of insane person's property for maintenance. Form 14.**

**30.** (1) In all cases, notwithstanding any previous order made under this section, the High Court may, and in cases where the property of an insane person is of less value in the whole than the sum of one thousand dollars, or the annual value of such property is less than forty-eight dollars, a Magistrate may, upon the application of any person, make an order as to the application of any property of a person confined under this Act, or the income thereof, in or towards the expenses of the maintenance and support of such person, or in or towards recouping the expenses of his or her past maintenance and support, or, in case any other person undertakes to pay the expenses of such maintenance and support, or such portion of these expenses as the Court or Magistrate deems reasonable, may suspend the making of such order for such time and upon such terms as the Court or Magistrate thinks fit.

(2) The expenses of such maintenance and support, or past maintenance and support, shall be in equity a charge upon the real estate of the insane person in the same manner as if he or she had power to charge, and by writing under his or her hand had agreed to charge his or her real estate therewith.

*(Amended by Act 7 of 1976)*

(3) The application to the High Court shall be by motion or petition in a summary way, or in such other manner as such Court, by a general order made under this Act, directs.

(4) Any application made under this section shall be served upon such persons and in such manner as the Court or Magistrate directs.

(5) Whether any order under this section is made, suspended, or refused, the Court or Magistrate shall make such order as is just as to the costs of the applicant, and such costs shall be recoverable by distress and sale of the insane person's personal estate, and shall be a charge in equity upon his or her real estate in the same manner as if he or she had power to charge, and by writing under his or her hand had agreed to charge his or her real estate therewith.

**Declaring insane person a trustee.**

**31.** Where, under this Act, the High Court or a Magistrate orders the property of any insane person or the income thereof to be applied in or towards his or her maintenance or support, such Court or Magistrate may declare that such person holds such property or income upon trust to obey the orders of the Court or Magistrate, and

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\* Original section 29 was repealed by Act 7 of 1976. Consequently sections 30 to 45 inclusive have been renumbered accordingly.

thereupon the Court or Magistrate shall have the powers conferred upon the High Court by subsection (2) of section 7 of the Eastern Caribbean Supreme Court Act, so far as regards the care of the real and personal estates of lunatics and persons of unsound mind held by such lunatics, or persons of unsound mind, upon trust or by way of mortgage.

### *Offences in Reference to Insane Persons*

#### **Ill-treatment of insane person in institution.**

**32.** Any superintendent, officer, nurse, attendant, servant or other person employed in any institution who strikes, ill-treats or wilfully neglects any insane person or patient confined in such institution shall be liable, on summary conviction, to a fine not exceeding one thousand dollars, or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment.

*(Amended by Act 9 of 1986)*

#### **Rescue and permitting escape from institution.**

**33.** (1) Any person who rescues any insane person or patient while being conveyed to or while confined in any institution under this Act, and any officer or servant of any such institution who secretes, or through wilful neglect or connivance permits to escape, any insane person or patient confined in any such institution under this Act, commits a misdemeanour and, on conviction on indictment, shall be liable to be imprisoned for five years.

(2) Any officer or servant of any institution who carelessly permits any person confined in the institution under this Act to escape shall be liable, on summary conviction, to a fine not exceeding one thousand dollars.

*(Amended by Act 9 of 1986)*

#### **Taking charge of insane person without licence.**

**34.** (1) No private person shall undertake the care or custody of any insane person unless he or she first obtains, in respect of such insane person, a licence under this Act.

(2) Any person who acts in contravention of this section commits a misdemeanour and, on conviction thereof on indictment, shall be liable to a fine not exceeding one thousand five hundred dollars, or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment.

*(Amended by Acts 7 of 1976 and 9 of 1986)*

#### **Ill-treatment of insane person in licensed house.**

**35.** Where an insane person is confined in any licensed house, the licensee, or any nurse, servant, or other person employed in such house or by the licensee, who strikes, ill-treats, or wilfully neglects such insane person shall be liable, on summary conviction, to a fine not exceeding one thousand dollars, or to imprisonment for a term not exceeding six months.

*(Amended by Act 9 of 1986)*

#### **Obstructing Visiting Committee.**

**36.** Any person who resists or obstructs any member of the Visiting Committee while visiting or attempting to visit a licensed house, shall be liable, on summary

conviction, to a fine not exceeding five hundred dollars, or to imprisonment for a term not exceeding three months.

*(Amended by Act 9 of 1986)*

**Obstructing execution of order for delivery or removal.**

37. Any person who obstructs any person acting in execution of an order for the delivery of an insane person to an institution or licensed house, or for the removal of an insane person from an institution or a licensed house shall be liable, on summary conviction, to a fine not exceeding one thousand five hundred dollars, or to imprisonment for a term not exceeding six months.

*Treatment of Voluntary Patients in a Mental Hospital*

**Provision for voluntary treatment without certification of certain persons.**

38. (1) Any person who is desirous of voluntarily submitting himself or herself to treatment for mental illness in a mental hospital, (hereinafter referred to as a “voluntary patient”) and who makes a written application to the Minister for the purpose, may without being adjudicated a person of unsound mind under this Act or an order issued thereunder, be sent, in accordance with the terms of an Arrangement, as a voluntary patient to a mental hospital.

(2) A voluntary patient received into a mental hospital under any Arrangement may, upon giving to the medical officer in charge thereof seventy-two hours’ notice in writing, leave the hospital at the expiration of the period of the notice.

(3) A voluntary patient shall by virtue of his or her application for admission to a mental hospital be deemed to consent to his or her removal from the State to a mental hospital and, subject to the provisions of subsection (2), shall undertake to remain in the mental hospital until discharged in accordance with the terms of an Arrangement.

(4) The patient shall also undertake to conform to the rules regulating the obligations, conduct and discipline of persons detained for treatment in the mental hospital, and, subject as aforesaid, shall further undertake not to leave the hospital without being discharged in the manner hereinbefore provided.

(5) If any voluntary patient dies in a mental hospital, or departs from the mental hospital without being discharged or giving notice, as required by this section, the Minister shall be notified of the occurrence of any of these events in the manner prescribed by an Arrangement.

*(Amended by Act 6 of 1976)*

**Provision for temporary treatment without certification of certain persons.**

39. (1) Subject to the provisions of this section, a person who is suffering from mental illness and is likely to benefit by temporary treatment but is for the time being incapable of expressing himself or herself as willing or unwilling to receive such treatment (hereinafter referred to as a “temporary patient”) may, on a written application duly made in accordance with the provisions of this section but without being adjudicated a person of unsound mind under this Act or an order issued thereunder, be received as a temporary patient in a mental hospital for the purpose of treatment in the mental hospital.

(2) An application made under this section, which shall be in duplicate, and which shall be in the form numbered 17 in the Schedule, shall be made to the Minister and shall, if possible, be made by the husband or wife, or by a relative or

guardian of the temporary patient or on the request of the husband or wife or, if a relative or guardian, by a registered medical practitioner, and if the application is not so made, it shall contain a statement of the reason why it is not so made, of the connection of the applicant with the temporary patient and of the circumstances in which he or she makes the application.

(3) The application shall be accompanied by a recommendation in duplicate in the form numbered 18 in the Schedule, signed by two registered medical practitioners of whom one shall be a government medical officer.

(4) On the receipt of an application accompanied by a recommendation as provided in subsection (3), the Minister shall take steps in accordance with the provisions of an Arrangement to have the temporary patient received into a mental hospital for a period not exceeding six months.

(5) Each of the registered medical practitioners by whom a recommendation under this section is to be made shall, before signing the recommendation, examine the temporary patient either separately, or in conjunction with the other, and shall specify in the recommendation the date on which he or she so examined the temporary patient and the grounds on which he or she bases his or her recommendation.

(6) A recommendation shall be of no effect for the purposes of this section if there is a greater interval than five clear days between the dates on which the temporary patient was examined by the two registered medical practitioners respectively and any such recommendation shall cease to have effect on the expiration of fourteen days from the date on which the temporary patient was examined by the two registered medical practitioners, or if he or she was examined by those practitioners on two different dates, on the expiration of fourteen days from the later of those dates.

(7) Where a temporary patient is sent under this section to a mental hospital a copy of the application and of the recommendation accompanying the application shall be forwarded to the person in charge of the mental hospital into which the temporary patient is to be received.

(8) The person in charge of the mental hospital shall, upon the signed request of any person who considers himself or herself to be unjustly detained under such application or recommendation, furnish to him or her or to his or her authorised representative, free of cost, a copy of such application or recommendation.

(9) If a temporary patient dies in or departs from the mental hospital where he or she was residing, notice of the fact shall be given to the Minister in accordance with the provisions of the Arrangement.

*(Amended by Act 6 of 1976)*

#### **Protection of persons acting under this Act.**

**40.** (1) Where a person has laid an information under section 5, or signed or carried out or done any act with a view to signing or carrying out an order purporting to be an adjudication order or any report, application, recommendation or certificate purporting to be a report, application, recommendation or certificate under this Act, or has done anything in pursuance of this Act, he or she shall not be liable to any civil or criminal proceedings whether on the ground of want of jurisdiction or on any other ground unless he or she has acted in bad faith or without reasonable care.

(2) No proceedings, civil or criminal, shall be brought against any person in any court in respect of any such matter as is mentioned in subsection (1), without the leave of the High Court, and leave shall not be given unless the Court is satisfied that

there is substantial ground for the contention that the person against whom it is sought to bring the proceedings, has acted in bad faith or without reasonable care.

(3) Notice of any application under subsection (2) shall be given to the person against whom it is sought to bring the proceedings, and that person shall be entitled to be heard against the application.

(4) Where, on the application made under this section, leave is given to bring any proceedings and the proceedings are commenced within four weeks after the date on which leave was so given, the proceedings shall, for the purpose of the Public Authorities Protection Act, Cap. 5.13 be deemed to have been commenced on the date on which notice of the application was given to the person against whom the proceedings are to be brought.

### *Miscellaneous*

#### **Prerogative of Crown.**

41. Nothing in this Act shall prejudice any right or prerogative of the Crown, or of the Governor-General on behalf of the Crown.

*(Amended by Act 6 of 1976)*

#### **Insane persons so found by inquisition.**

42. Nothing in this Act shall apply to insane persons so found by inquisition.

#### **Regulations.**

43. The Minister may make regulations—

- (a) for the maintenance and control of institutions and for the admission to and discharge of patients from such institutions;
- (b) for the constitution of a Visiting Committee for licensed houses in the manner provided by section 16;
- (c) as to the books to be kept by the licensee of a licensed house, the entries to be made therein, and the returns and notices to be furnished and given by such licensee;
- (d) generally for carrying into effect the provisions of this Act.

#### **Forms.**

44. The forms contained in the Schedule may be used in all cases to which they are applicable, but no such form shall in any case be obligatory.

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**SCHEDULE**

*(Section 44)*

**FORM 1**

LUNACY AND MENTAL TREATMENT ACT, CAP. 9.14.

**REMOVAL ORDER BY MINISTER.**

*(Section 4)*

State of Saint Christopher and Nevis.

To all Constables in the State

..... and

To the officer in charge of the mental hospital in .....

WHEREAS by an order of the Magistrate made on the ..... day of ..... A.B. of ..... was adjudged to be a person of unsound mind and a proper subject of confinement, and was by the said order detained in an institution pending the making of an order for his and her removal to a mental hospital.

NOW, THEREFORE, I do hereby order and command you the said constables to remove the said ..... from the State.

AND for such removal from the State this shall be your sufficient authority.

Dated the ..... day of ....., 20 .....

.....  
*Minister.*

**FORM 2**

LUNACY AND MENTAL TREATMENT ACT, CAP. 9.14.

**INFORMATION UPON OATH.**

*(Section 5(1))*

State of Saint Christopher and Nevis.

A.B., of ..... informs the undersigned Magistrate that he or she has good cause to suspect and believe and does suspect and believe that D.E., of ..... is a [pauper patient] person of unsound mind and a proper subject of confinement.

Taken and sworn  
this .....  
day of .....  
before me, }

.....  
Informant.

.....  
*Magistrate.*

## FORM 3

## LUNACY AND MENTAL TREATMENT ACT, CAP. 9.14

## MEDICAL CERTIFICATE.

*(Section 5(5))*

State of Saint Christopher and Nevis.

I, R.K., a government medical officer, and being in actual practice as a (Physician, Surgeon or Apothecary, as the case may be) having been appointed by the Magistrate to examine

A.B. of ..... hereby certify that I, on the ..... day of ..... at ..... personally examined the said A.B. and I hereby certify that the said A.B. is a person of unsound mind and a proper subject of confinement, and I have formed this opinion upon the following grounds, namely,

1. Facts indicating insanity observed by myself (here state the facts).
2. Other facts (*if any*) indicating insanity communicated by others (here state the facts and by whom communicated).
3. I have made inquiries of all persons known to me who seem likely to be able to give information as to any facts of the previous history of the said A.B. likely to be of service with reference to the medical treatment. The following statement contains all such facts known to me:

## STATEMENT

*(If any particulars in this statement are not known, this is to be stated).*

Name of patient and Christian name at length.

Sex and age.

Married, single, or widowed.

Condition of life and previous occupation, if any.

The religious persuasion as far as known.

Previous place of abode.

Whether first attack. Age (if known) on first attack.

When and where previously under care and treatment.

Duration of existing attack. Supposed cause.

Whether subject to epilepsy.

Whether suicidal.

Whether dangerous to others.

Name and Christian name and place of abode of nearest known relative of the patient and degree of relationship.

(Add any other facts proper to be stated).

(Signed)

R.K.

(Place of abode)

Dated the ..... day of ....., 20 .....

FORM 4

LUNACY AND MENTAL TREATMENT ACT, CAP. 9.14

ADJUDICATION OF LUNACY AND COMMITTAL TO AN INSTITUTION  
PENDING MAKING OF A REMOVAL ORDER

(Sections 9 and 10(a))

State of Saint Christopher and Nevis.

A.B. Informant, D.E. Respondent.

(Date)

WHEREAS on the ..... day of .....,  
A.B., of ..... informed me the undersigned  
Magistrate that he or she had good cause to suspect and believe and did suspect and  
believe that D.E., of ....., was a person of  
unsound mind and a proper subject of confinement:

AND WHEREAS it appears to me that the said D.E. is a person of unsound  
mind and a proper subject of confinement:

AND WHEREAS, as required by the abovementioned Act, the medical  
certificate hereunto annexed of the unsoundness of mind of the said D.E. has been  
given.

NOW, THEREFORE, I do hereby adjudge the said D.E. to be a person of  
unsound mind and a proper subject of confinement and do hereby order that the said  
D.E. be detained in an institution at ..... pending the  
issue of a removal order in respect of the said A.B.

.....

Magistrate.

FORM 5

LUNACY AND MENTAL TREATMENT ACT, CAP. 9.14

(Section 10(b))

ADJUDICATION OF LUNACY AND COMMITTAL TO LICENSED HOUSE.

State of St. Christopher and Nevis.

A.B. Informant, D.E. Respondent.

(Date)

WHEREAS on the ..... day of ..... 20....., A.B., of ....., informed me the undersigned Magistrate that he or she had good cause to suspect and believe, and did suspect and believe D.E., of ....., to be a person of unsound mind and a proper subject of confinement:

AND WHEREAS, as required by the abovementioned Act, the medical certificate hereunto annexed of the unsoundness of mind of the said D.E. has been given:

AND WHEREAS F.G., of ..... has offered to undertake the care and custody of the said D.E., in his or her house situate at ..... and has requested to have a licence granted to him or her for that purpose:

AND WHEREAS I am of opinion that the said F.G. is a proper person to have the care and custody of the said D.E., and that his or her said house is suitable for the reception of the said D.E.

NOW, THEREFORE, I do hereby adjudge the said D.E. to be a person of unsound mind and a proper subject of confinement and I do hereby grant to the said F.G. a licence to receive the said D.E. into his or her said house and there to take care and custody of him or her the said D.E. and I do hereby order that the said D.E. be detained as a person of unsound mind in the said house of the said F.G., in the care and custody of the said F.G., subject to the provisions of the abovementioned Act.

.....

Magistrate.

FORM 6

LUNACY AND MENTAL TREATMENT ACT, CAP. 9.14

(Section 10(c))

ORDER OF COMMITTAL OF PAUPER PATIENT TO AN INSTITUTION  
PENDING THE MAKING OF A REMOVAL ORDER.

State of St. Christopher and Nevis.

A.B. Informant, D.E. Respondent.

(Date)

WHEREAS on the ..... day of ..... 20.....,  
A.B., of ..... informed me the  
undersigned Magistrate that he or she had good cause to suspect and believe and did  
suspect and believe that D.E. was a pauper patient and a proper subject of  
confinement:

AND WHEREAS, as required by the abovementioned Act, and medical  
certificate hereunto annexed of the unsoundness of mind of the said D.E. has been  
given.

NOW, THEREFORE, I do hereby adjudge the said D.E. to be a pauper patient and a  
proper subject of confinement and I do hereby order that the said D.E. be detained in  
an institution at ..... pending the issue of a removal order in  
respect of the said D.E.

.....

Magistrate.

FORM 7

LUNACY AND MENTAL TREATMENT ACT, CAP. 9.14

(Section 21)

NOTICE BY LICENSEE DESIRING TO BE DISCHARGED.

State of Saint Christopher and Nevis.

To T.M. District Magistrate for District

I, E.F., to whom on the ..... day of .....  
a licence was granted by .....  
to receive into my house, situate in .....  
one A.B., a patient, and there to take the care and custody of the said A.B., do hereby  
give you notice that I desire to be discharged of the care and custody of the said A.B.

E.F.

Witness D.H. of

Date.

FORM 8

LUNACY AND MENTAL TREATMENT ACT, CAP. 9.14

(Section 22)

ORDER FOR REMOVAL OF PERSON OF UNSOUND MIND FROM LICENSED HOUSE AT REQUEST OF FRIENDS.

State of St. Christopher and Nevis.

(Date)

WHEREAS by an order made on the ..... day of ..... by ..... Magistrate a licence was granted to E.F., of ..... to receive one A.B., a patient into his house situate at ..... and there to take the care and custody of the said A.B.:

AND WHEREAS it appears to me, the undersigned Magistrate, that the said A.B. is maintained in the said licensed house of the said E.F. at the expense of J.H. and K.L. and that the said J.H. and K.L. are desirous that the said A.B. should be removed from the licensed house of the said E.F. to the house of one Q.R. situate at

\* (Where provision has been made for the care and custody of a patient in a mental hospital use the words shown below).

AND WHEREAS the said Q.R. has applied to me for a licence to enable him or her to receive the said A.B. at his or her said house, and there to take the care and custody of the said A.B.:

AND WHEREAS I am of opinion that the said Q.R. is a proper person to have the care and custody of the said A.B. and that his or her said house is suitable for the reception of the said A.B.

NOW, THEREFORE, I, the said Magistrate do hereby discharge the said E.F. of the care and custody of the said A.B. and do hereby order that the said A.B. be removed from the licensed house of the said E.F. to the said house of the said Q.R. And I do hereby grant to the said Q.R. a licence to receive the said A.B. into his or her said house, and there to take the care and custody of him or her the said A.B. And I do hereby order that the said A.B. be detained as a patient in the said house of the said Q.R. in the care and custody of the said Q.R. subject to the provisions of the above-mentioned Act.

.....

Magistrate.

\* And Whereas provision has been made for the care and custody of the said A.B. in a mental hospital.

NOW, THEREFORE, I the said Magistrate do hereby discharge the said E.F. of the care and custody of the said A.B. and do hereby order that the said A.B. be removed from the licensed house of the said E.F. to an institution at ..... pending the making of a removal order in respect of the said A.B.

.....

Magistrate.

FORM 9

LUNACY AND MENTAL TREATMENT ACT, CAP. 9.14

(Section 23(1))

COMPLAINT OF ILL-TREATMENT (OR NEGLECT) OF A PERSON  
OF UNSOUND MIND IN A LICENSED HOUSE.

State of Saint Christopher and Nevis.

..... of .....,  
informs ..... Magistrate, that A.B. a patient confined in  
the licensed house of E.F., situate at .....  
is ill-treated (or neglected).

Taken and sworn  
this .....  
day of .....  
before me, } .....  
Informant.

.....  
Magistrate.

FORM 10

LUNACY AND MENTAL TREATMENT ACT, CAP. 9.14

(Section 23(1))

ORDER FOR REMOVAL ON GROUND OF ILL-TREATMENT (OR NEGLECT)  
OF A PERSON OF UNSOUND MIND FROM A LICENSED HOUSE.

State of Saint Christopher and Nevis.

On this ..... day of .....,  
at ..... complaint was made to me the undersigned  
Magistrate that A.B. a patient confined in the licensed house of E.F., situate  
at ..... is ill-treated (or neglected) and I, having heard  
the said complaint do hereby order that the said E.F. be discharged of the care and  
custody of the said A.B. and do hereby further order that the said A.B. be removed  
from the licensed house of the said E.F.

(Where patient is to be sent to a mental hospital use the following words):

to an institution pending the making of a removal order in respect of the said A.B.  
and I hereby discharge the said E.F. of the care and custody of the said A.B.

(Where patient is to be sent to another licensed house use the following words):

to the house of Q.R.; And I do hereby grant the said Q.R. a license to receive the said  
A.B. into his or her house and there to take the care and custody of him or her the  
said A.B. And I do hereby further order that the said E.F. be discharged of the care  
and custody of the said A.B. and that the said A.B. be detained as a patient in the said  
house of the said Q.R. in the care and custody of the said Q.R. subject to the  
provisions of the above-mentioned Act.

Dated the ..... day of ....., 20 .....

Magistrate.

FORM 11

LUNACY AND MENTAL TREATMENT ACT, CAP. 9.14

(Section 23(2))

WARRANT FOR THE REMOVAL OF A PERSON OF UNSOUND MIND FROM A LICENSED HOUSE.

State of Saint Christopher and Nevis.

To T.S. .... W.V. .... Y.Z. .... and To Q.R. ...

Whereas by an order made on the ..... day of ..... by me the undersigned Magistrate, I did order that A.B., a patient confined in the licensed house of E.F. situate at ..... be removed from the said licensed house of the said E.F. to (\* the house of you the above-named Q.R., situate at .....)/(an institution situate at ..... pending the making of an order of removal in respect of the said A.B.).

These are, therefore, to authorise you the said T.S., W.V. and Y.Z., or any or either of you, to remove the said A.B. from the said licensed house of the said E.F., and him or her to deliver (\* to you the said Q.R., at the said house of you the said Q.R., where you the said Q.R. are to receive and take the care and custody of the said A.B.)/(\* to the institution aforesaid); And for so doing this shall be your warrant.

And if required in this behalf by you, or any of you, all constables, peace officers, and all other Her Majesty's subjects are to be aiding and assisting in the execution of this warrant.

Given under my hand this ..... day of ....., 20 .....

Magistrate.

\* Delete words not applicable.

FORM 12

LUNACY AND MENTAL TREATMENT ACT, CAP. 9.14

(Section 24)

ORDER FOR THE RELEASE OF A PATIENT FROM A  
LICENSED HOUSE.

State of Saint Christopher and Nevis.

On this ..... day of ..... at .....  
complaint was made before me the undersigned Magistrate that A.B. patient confined  
in the licensed house of E.F. situate at ..... is no  
longer a proper subject of confinement, and it appearing to me, having heard the said  
complaint, that the said A.B. is no longer a proper subject of confinement, I do  
hereby discharge the said E.F. of the care and custody of the said A.B., and do hereby  
order him or her the said E.F. to release the said A.B., and him or her the said A.B. to  
suffer to go at large whithersoever he or she will.

Dated the ..... day of ....., 20 .....

.....  
*Magistrate.*

FORM 13

LUNACY AND MENTAL TREATMENT ACT, CAP. 9.14

(Section 28)

INTERIM ORDER BY A MAGISTRATE AFTER  
NOTICE OF APPEAL.

*(This Order may be written at the foot of the Order to which it relates).*

State of St. Christopher and Nevis.

Whereas the above named D.E. has duly given notice of appeal against the  
above order:

And Whereas under the circumstances of the case it appears to me fit and  
proper to suspend the execution of the above order for the time and subject to the  
condition hereinafter mentioned.

Now, therefore, I do order that the above order be suspended until the appeal  
against it of the said D.E. is heard and determined or is deemed to be abandoned:

Provided that this suspension is subject to the following condition, namely,  
that the said D.E. do reside with his or her uncle F.K. in the  
..... of ....., and in case the said  
D.E. shall cease so to reside, this order of suspension shall become void, and the  
above order shall revive and be of full force and effect.

Dated the ..... day of ....., 20 .....

.....  
*Magistrate.*

FORM 14

LUNACY AND MENTAL TREATMENT ACT, CAP. 9.14

(Section 30)

ORDER OF MAGISTRATE FOR APPLICATION OF INCOME OF INSANE PERSON'S REAL ESTATE TOWARDS HIS OR HER MAINTENANCE

State of Saint Christopher and Nevis.

In the matter of A.B. a person of unsound mind.

(Date)

Upon the application of S.L.C. .... it appearing to me that A.B. has since the ... day of ... been maintained, and that he or she is still maintained, at ... as a patient, and that he or she is entitled to certain houses situate at ... in the State, and now let to ... at rents amounting in the aggregate to the sum of forty-five dollars per annum, and that the total annual value of such houses is less than forty-eight dollars, and that the said A.B. is possessed of no other property; and it also appearing to me that the expenses of the past maintenance and support of the said A.B. in the said ... exceed the amount of the rents in arrear of the said houses, and that the yearly expenses of his or her future maintenance and support will exceed the yearly rents which will accrue to the said A.B.

Now, therefore, I do order that the said rents in arrear be applied in discharge of the past maintenance and support of him or her the said A.B., and that the said rents hereafter to accrue be applied in payment of the expenses of the future maintenance and support of the said A.B. so long as he or she lives and continues to be in inmate of the said ..., and I do declare that the said A.B. holds the said property and the right to receive the said rents accrued, or hereafter to accrue, on trust to obey this order, and accordingly I do order that the right to sue for and recover the said rents in arrear and the rents that shall accrue, vest in the said S.L.C. and any unapplied surplus in the hands of the said S.L.C. upon the discharge of the said A.B. from the said or upon his or her death is to be held upon trust for the said A.B. his or her executors, administrators and assigns.

.....

Magistrate.

FORM 15

LUNACY AND MENTAL TREATMENT ACT, CAP. 9:14

(Section 31)

ORDER FOR SALE OF INSANE PERSON'S REAL ESTATE, AND  
APPLICATION OF PROCEEDS FOR HIS OR HER MAINTENANCE

(Amended by Act 15 of 1965)

State of Saint Christopher and Nevis.

In the matter of A.B., a person of unsound mind.

(Date)

Upon the application of .....,  
it appearing to me ..... Magistrate, that A.B. has since  
the ..... day of ..... been maintained and  
he or she still is maintained in the ..... at .....  
as a (pauper) patient, and that he or she is seized of an estate in fee simple  
possession of one undivided moiety of and in a certain cottage, and premises situate  
at ..... to the other undivided moiety of  
which E.F., of ..... is entitled  
for an estate in fee simple in possession, and that the value of the said undivided  
moiety of the said A.B. is less than the sum of four hundred and eighty dollars  
(\$480), and that the said A.B. is possessed of no other property and it also appearing  
to me that the expenses of the past maintenance and support of the said A.B. in the  
said ..... from  
the ..... said .....  
day of ....., to the ..... day  
of ....., amount to the sum of two hundred dollars  
(\$200). And the said E.F. offering to purchase the said undivided moiety of the said  
A.B. for the sum of four hundred dollars (\$400). And I being of opinion that the said  
offer of the said E.F. is fair and reasonable, and that it is expedient to accept the  
same, do order that the same be accepted and carried into effect, and do declare that  
the said A.B. holds the said undivided moiety upon trust to obey this order. And the  
said E.F. having paid the sum of four hundred dollars (\$400) to the said S.L.C., and  
the said S.L.C. undertaking to apply the sum of two hundred dollars (\$200), part  
thereof in payment of the expenses of the past maintenance and support of the said  
A.B. from the said ..... day  
of ..... to the said .....  
day of ....., and from time to time to apply the sum of two hundred  
dollars (\$200) residue of the said sum of four hundred dollars (\$400) in or towards  
the expenses of the maintenance and support of the said A.B. from the last mentioned  
day, and upon the discharge from the said .....  
or death of the said A.B. to hold any unapplied surplus in his or her hands upon trust  
for the said A.B. his or her executors, administrators, or assigns, I do order that the  
said undivided moiety of the said A.B. of and in the said cottage and premises do vest  
in the said E.F. his or her heirs and assigns for all the estate and interest which the  
said A.B. has therein.

.....  
*Magistrate.*

FORM 16

LUNACY AND MENTAL TREATMENT ACT, CAP. 9.14

(Section 38(1))

APPLICATION BY A VOLUNTARY PATIENT TO THE ADMINISTRATOR TO SECURE HIS OR HER ADMISSION TO A MENTAL HOSPITAL

State of Saint Christopher and Nevis.

To the Minister of Health.

I, the undersigned, do hereby request you to secure my admission, as a voluntary patient, to a mental hospital and I hereby consent to my removal from the State to the said hospital.

I undertake

- (a) to remain in the mental hospital until duly discharged unless I give notice of my intention to leave the same as required by subsection (2) of section 38 of the above named Act;
- (b) to conform to the rules regulating the obligations, conduct and discipline of persons detained for treatment in the said hospital and to the terms of any Arrangement made under the above named Act;
- (c) subject to my right to leave the mental hospital at any time on giving and at the expiration of, the required notice, not to leave the said hospital without being discharged therefrom in accordance with the terms of an Arrangement hereinbefore mentioned.

(Signed)

Dated.

FORM 17

LUNACY AND MENTAL TREATMENT ACT, CAP. 9.14

(Section 39(2))

FORM OF APPLICATION FOR RECEPTION OF A TEMPORARY PATIENT IN MENTAL HOSPITAL

State of Saint Christopher and Nevis

To the Minister of Health.

(1) I, ..... hereby request you to take such steps as may be necessary for the reception of ..... as a temporary patient into the mental hospital at ..... for a period not exceeding six months.

(2) I am related to the said ..... in the following manner:

or

I am a registered medical practitioner in the State. The said ..... is well known to me and I make this application at the request of ....., who is related to the said ..... in the following manner:

or

I am not related to the said ..... The reasons why this application is not made by a relative of the said ....., and my connection with him or her, and the circumstances under which I make this application, are as follows:

(3) Annexed hereto is a recommendation for the temporary treatment of the said ..... signed by

(Signed)

Dated.

To

FORM 18

LUNACY AND MENTAL TREATMENT ACT, CAP. 9.14

(Section 39(3))

FORM OF RECOMMENDATION FOR TEMPORARY TREATMENT

State of Saint Christopher and Nevis.

Recommendation for the temporary treatment of ..... of .....

I, ..... of ..... hereby declare that:

(1) I am a government medical officer in the State and I am not the usual medical attendant of the above-named.

(2) I examined the said ..... on the ..... day of .....

(\*3) I have formed the conclusions stated below on the following grounds, viz.:

I, ..... of ..... hereby declare that:

(1) I am a registered medical practitioner in the State and am (am not) the usual medical attendant of the above named.

(2) I examined the abovementioned ..... on the ..... day of .....

(\*3) I have formed the conclusions stated below in the following grounds, viz:

And we, the said ..... and ..... further declare that:

(1) The said

(a) is suffering from mental illness;

(b) is likely to benefit by temporary treatment;

(c) is for the time being incapable of expressing himself or herself as willing or unwilling to receive such treatment.

(2) It is expedient with a view to the said ..... 's  
recovery that he or she should be received into .....  
for a period not exceeding six months.

(Signed)

Medical Qualifications.

.....

Date

(Signed)

Medical Qualifications.

.....

Date

\* A person in specifying the grounds on which his or her conclusions are based, must carefully distinguish between statements of fact which are based upon his or her own observations and statements of fact which are based upon communications made to him or her by others.

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